

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference ARX076PCT	FOR FURTHER ACTION	See item 4 below
International application No. PCT/CH2004/000620	International filing date (<i>day/month/year</i>) 12 October 2004 (12.10.2004)	Priority date (<i>day/month/year</i>) 04 December 2003 (04.12.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant VON ARX AG		

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).
2. This REPORT consists of a total of 8 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- | | | |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I | Basis of the report |
| <input checked="" type="checkbox"/> | Box No. II | Priority |
| <input type="checkbox"/> | Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> | Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> | Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> | Box No. VI | Certain documents cited |
| <input type="checkbox"/> | Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> | Box No. VIII | Certain observations on the international application |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No. +41 22 338 82 70	Date of issuance of this report 29 August 2006 (29.08.2006) Authorized officer <div style="text-align: center; font-weight: bold;">Yolaine Cussac</div> e-mail: pt11@wipo.int
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PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing
(day/month/year)

See form PCT/ISA/210

Applicant's or agent's file reference

ARX076PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/CH2004/000620

International filing date (day/month/year)

12.10.2004

Priority date (day/month/year)

04.12.2003

International Patent Classification (IPC) or both national classification and IPC

B25B27/10, F15B15/18, F15B1/26

Applicant

VON ARX AG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II

Priority

1. ☒ The following document has not yet been furnished:

☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date in the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-10</u>	YES
	Claims	_____	NO
Inventive step (IS)	Claims	<u>2-5, 10</u>	YES
	Claims	<u>1, 6-9</u>	NO
Industrial applicability (IA)	Claims	<u>1-10</u>	YES
	Claims	_____	NO

2. Citations and explanations:

1. This opinion makes reference to the following documents:

D1: EP 1 176 308 A (FRAMATOME CONNECTORS INT) 20
January 2002

D2: EP 1 157 786 A (ARX AG) 28 November 2001

D3: US 4 735 048 A (GREGORY JACK T) 5 April 1988

D4: US 6 446 482 B1 (STELTZER GORDON L ET AL) 10
September 2002

2. INDEPENDENT CLAIM 1

2.1. The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 does not involve an inventive step under PCT Article 33(3).

2.1.1. D2 is considered the closest prior art to the subject matter of claim 1. It discloses the subject matter of the preamble of independent claim 1.

2.1.2. The subject matter of claim 1 therefore differs from that known from D1 in that the hydraulic oil storage container is formed from an elastic sleeve which

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

sealingly engages at least partially around the cylinder housing of the piston/cylinder unit.

2.1.3. The problem addressed by the present invention can therefore be considered that of designing the device according to D2 such that the overall structure of the device can be reduced in size.

2.1.4. The solution proposed in claim 1 of the present application for said problem cannot, however, be considered inventive (PCT Article 33(3)), since said arrangement of the container is already known. D1 discloses a device in which the hydraulic oil storage container (20) is formed from an elastic sleeve (78) which sealingly engages at least partially around the cylinder housing (30) of the piston/cylinder unit (24).

2.1.5. With regard to the feature, D1 describes (see column 4, lines 32 to 40) the same advantages as the present application. A person skilled in the art would therefore consider the inclusion of this feature in the device described in D2 to be a routine measure for solving the problem of interest.

2.1.6. A person skilled in the art would therefore combine the features disclosed in D1 and D2 with one another in order to solve the problem of interest, without thereby being inventive. The solution proposed in independent claim 1 therefore cannot be considered inventive (PCT Article 33(3)).

2.2. D3 also discloses (see column 2, lines 18 to 40) the

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citations and explanations supporting such statement

features of the characterizing part of claim 1, and a person skilled in the art would consider the inclusion of this feature in the device described in D2 to be a routine measure for solving the problem of interest.

2.2.1 A person skilled in the art would combine the features disclosed in D3 and D2 with one another in order to solve the problem of interest, without thereby being inventive. The solution proposed in independent claim 1 therefore cannot be considered inventive (PCT Article 33(3)).

3. DEPENDENT CLAIMS 6 TO 9

3.1. D1 also discloses the features of dependent claims 6 to 9 (see in particular the inclined line 74 and the depression 82).

3.2. The subject matter of claims 6 to 9 therefore does not involve an inventive step under PCT Article 33(3).

4. DEPENDENT CLAIM 2

4.1. Since claim 2 is dependent on claim 1, the subject matter of claim 2 is novel (PCT Article 33(2)).

4.2. The combination of features contained in dependent claim 2 is neither known from nor suggested by the available prior art. The reasons are as follows:

4.2.1. An actuating valve (72) as per D1 is not covered by the sleeve (78). The sealing leadthrough of the valve

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Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

is therefore highly problematic. Said problem is avoided by means of the arrangement of the valve within the elastic sleeve as per claim 2.

4.2.2. Said arrangement is also not known from the other available documents. A person skilled in the art therefore would not combine the features specified in claim 2 with one another without thereby being inventive. The solution proposed in dependent claim 2 can therefore be considered inventive (PCT Article 33(3)).

4.3. It would be possible to grant dependent claims 3 to 10 with an independent claim which is amended in this way.